

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID MUNIZ,

Plaintiff,

v.

No. CV 21-301 CG

KILOLO KIJAKAZI,¹
Commissioner of the
Social Security Administration,

Defendant.

**ORDER GRANTING UNOPPOSED MOTION TO AWARD ATTORNEY FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

THIS MATTER is before the Court on the Plaintiff David Muniz's *Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, with Memorandum in Support* (the "Motion"), (Doc. 24), filed April 11, 2022. In the Motion, Plaintiff indicates the parties have agreed to award Mr. Muniz attorney fees in the amount of \$6,633.90. *Id.* at 1. The Court, having reviewed the Motion under EAJA, 28 U.S.C. § 2412, finds the Motion is well-taken and shall be granted.

IT IS THEREFORE ORDERED that Mr. Muniz be awarded \$6,633.90 in attorney fees pursuant to EAJA, 28 U.S.C. § 2412, made payable to Mr. Muniz but mailed to his attorney. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED that if Mr. Muniz's attorney receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Mr. Muniz's

¹ Kilolo Kijakazi was appointed Acting Commissioner of the Social Security Administration on July 9, 2021.

attorney shall refund the smaller award to Mr. Muniz pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE